UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MONTE LUFFEY, et al.   **PLAINTIFFS**

VS.   **CIVIL ACTION NO.1:06cv901-LTS-MTP**

STATE FARM FIRE AND CASUALTY COMPANY   **DEFENDANT**

ORDER ON MOTION FOR LEAVE TO CONDUCT ADDITIONAL DISCOVERY

This matter came before the court on Plaintiffs' Motion for Leave to Conduct Additional Discovery [87], and the court having reviewed the parties' submissions and having considered the arguments of counsel, hereby finds that the motion should be denied.

In their motion, plaintiffs seek leave to conduct additional discovery in order to conduct some "limited follow up inquiries." Specifically, plaintiffs seek leave to take the depositions of Alexis "Lecky" King and Forensic Analysis and Engineering Corporation regarding "newly uncovered fraud." Contrary to plaintiffs' assertions, the fraud claims are not new. Plaintiffs alleged fraud in their Complaint [1][1] and had more than ample time to develop those claims.

The plaintiffs have failed to show good cause for leave to conduct additional discovery after the expiration of the discovery deadline set by the court. The discovery deadline passed over a month ago, and the plaintiffs have had sufficient time to take the depositions of King and Forensic and to uncover any alleged fraud. Moreover, the court has already extended the discovery deadline once in this matter.

Plaintiffs further claim that this last-minute discovery is necessary because the defendant delayed the discovery process. However, it is the plaintiffs' duty to file a motion to compel before the expiration of the discovery deadline when a discovery dispute arises. *See McGee v. Wal-Mart*

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[1]*See* Complaint [1] at ¶¶ 25, 31-32.

Stores, Inc., 200 F.R.D. 568, 570 (S.D. Miss. 2001); *Matthews v. Methodist Healthcare*, 147 F.

Supp. 2d 950 (S.D. Miss. 2001).

Accordingly, Plaintiffs' Motion for Leave to Conduct Additional Discovery [87] is DENIED.

SO ORDERED this the 5th day of September, 2007.

s/ Michael T. Parker

United States Magistrate Judge